

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TOMAS NAVARRETTE,

Plaintiff,

v.

5 - KEYS CHARTER SCHOOL, et al.,

Defendants.

Case No. 20-cv-02579-PJH

**ORDER DENYING MOTION FOR
AUXILIARY FUNDS**

Re: Dkt. No. 19

The court is in receipt of plaintiff's motion for pro per auxiliary funds. Plaintiff explains that he is currently incarcerated in Santa Rita jail and requests funds for phone calls and administrative supplies to prosecute his case. Dkt. 19 at 1.

"The Supreme Court has declared that 'the expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by Congress'" Tedder v. Odel, 890 F.2d 210, 211–12 (9th Cir. 1989) (per curiam) (alterations in original) (quoting United States v. MacCollom, 426 U.S. 317, 321 (1976)). The in forma pauperis statute, 28 U.S.C. § 1915, permits a court to authorize commencement of any suit without prepayment of fees. 28 U.S.C. § 1915(a)(1). The statute does not, however, authorize the court to pay any funds to a pro se litigant for any purpose requested by plaintiff.

To the extent he is able, plaintiff is free to request supplies and materials from the staff at the Santa Rita jail. Because those officials are not parties to this case, the court has no jurisdiction to order any relief. Even if they were parties, plaintiff has not demonstrated any injury stemming from their conduct that would warrant such relief.

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Accordingly, the court DENIES plaintiff's motion for auxiliary funds.

IT IS SO ORDERED.

Dated: February 2, 2021

/s/ Phyllis J. Hamilton
PHYLLIS J. HAMILTON
United States District Judge

United States District Court
Northern District of California